



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(117)

CRM-M-54501-2025

Date of Decision: 17.03.2026

RAM BABU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Simranjeet Sarwara, Advocate and
Ms. Manisha Sharma, Advocate for
Mr. M.S. Bhatti, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 321 dated 17.05.2023 under Section 341, 326A of IPC and Sections 10 & 12 of POCSO Act, registered at Police Station Palla, Faridabad (Annexure P-1).

2. The translated version of the FIR is reproduced below:-

"I, Ashok Kumar s/o Shri Suraj Singh, am a resident of House No. 2079, Street No. 9, Surya Colony, Chetan Market, Faridabad. I have three children. My elder daughter, xxxx, is 15 years old. My daughter xxx, about 15-20 days ago, told me that a painter in our neighbourhood, namely Ram Babu, stares at my daughter with bad intentions and also follows her. Around 7-8 days ago, xxxx informed me and my wife that Ram Babu follows her when she goes to tuition and even stops her on the way, telling her that he loves her and wants to marry her. I once tried to explain to Ram Babu to stop this behavior, but he did not listen and continued to follow and stop my daughter. Today, being very troubled by this matter, I followed my daughters, xxxx and xxxx, when they were going to tuition. I was walking about 20 steps behind them. When my daughters reached the street of Vijaypal Pradhan, Shyam Colony, I saw Ram Babu throw some liquid substance on my daughters. I ran towards my daughters and saw that xxxx was feeling a burning sensation on her face and hands and xxxx was feeling a burning sensation on her hand. I



immediately told my daughters to go to their tuition teacher's house, and then I chased after Ram Babu. But he escaped, and I do not know where he went thereafter. Ram Babu has committed a very serious and wrong act by throwing some corrosive substance on my daughters xxxx and xxxx. I request that strict legal action be taken against him and that my daughter xxxx be given justice.”

3. Learned counsel for the petitioner submits that the petitioner, aged 28 years, has been falsely implicated in the present case registered on the statement made by the father of the victim, alleging that the petitioner wrongfully restrained them and allegedly thrown a liquid substance, upon them. It is submitted that all the injuries sought to be attributed to the petitioner are simple in nature. Reliance is further placed upon the FSL report dated 25.04.2024 (Annexure P-4), which indicates that no corrosive acid was detected in the recovered substance. It is additionally contended that material contradictions have emerged in the testimonies of the material witnesses, thereby casting serious doubt on the veracity of the prosecution case against the petitioner. It is submitted that there is no cogent evidence on record against the petitioner that could establish his guilt beyond the shadow of reasonable doubt. Learned counsel submits that the petitioner has already undergone an actual custody period of 02 years, 09 months and 29 days and has clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 02 years, 09 months and 29 days. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on



13.10.2023 and out of total 20 prosecution witnesses, 02 have been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Before proceeding further, a gainful reference can also be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:

"21.In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22.From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 13.10.2023. Yet only 02 out of 20 cited



prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 02 years, 09 months and 29 days. It is also not disputed that he has no criminal antecedents and is not involved in any other case.

8. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

9. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial, particularly when the material witnesses stand examined. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the



Hon'ble Supreme Court in *Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22*.

10. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

12. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be



construed as a final expression of opinion on the merits of the case.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 17, 2026

Ritika

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*